IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO. 675 OF 2006

IN

NOTICE OF MOTION NO. 3316 OF 2002

IN

SUIT NO.3853 OF 2002

M/s Tarla Marjaria & Ors. .. Appellants

V/s

Bipin Shah & Anr. .. Respondents

Mr.Sanjay Jain i/b KMC Legal Venture for the Appellants

Mr.M.P.S. Rao i/b Rustamji & Giniwala for the Respondents.

CORAM : H.L. GOKHALE & J.P. DEVADHAR, JJ.

DATE : 18TH AUGUST 2006

(Mentioned. Not on board.)

P.C. :

1. Heard Mr.Jain for the Appellants and Mr.Rao appears for the Respondents.

2. By consent, the appeal is taken up on board. The appeal seeks to challenge the order passed by the learned Single Judge dated 5th June 2006 to the extent

the Respondents (Ori. Defendants) are appointed as agents of the Receiver and continued in the premises. The grievance of the Appellants (Ori.Plaintiffs) is that the Respondents have been engaged in anti-social activities and there have been complaints against them by the Director of Revenue Intelligence. Mr.Jain has pointed out that there have been such complaints in the past. He states that because of the Respondents occupying a part of the flat, it has become difficult for the Appellants to occupy the remaining portion. Be that as it may, considering that the Respondents have been occupying a part of the flat for the last over 30 years, it will not be proper to disturb them as of now. No interference is called for. Appeal is dismissed.

3. We however make it clear that hereafter if there is any such complaint with respect to the activities of the Respondents causing annoyance and unjustified difficulties for the Appellants, it will be open to them to move the learned Single Judge to discontinue the Respondents as agents of the Receiver and to seek appropriate order.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR J.)